

# **EXHIBIT A**



## Notice of Intent to Issue a Final Administrative Removal Order

In removal proceedings under section 238(b) of the Immigration and Nationality Act

File Number: A70 709 106

To: Miguel Santiago CERVANTES

Address: C/O Eloy Detention Center, 1705 E. Hanna Road, Eloy, Arizona 85231

(Number, Street, City, State and ZIP code)

Telephone: (520) 466-4141

(Area Code and Phone Number)

Pursuant to section 238(b) of the Immigration and Nationality Act (Act), 8 USC 1228(b), the U.S. Department (Department) has determined that you are amenable to expedited administrative removal proceedings. T on the following allegations:

1. You are not a citizen or national of the United States.
2. You are a native of Mexico and a citizen of Mexico.
3. You entered the United States at or near Calexico, CA on or about 15 April 1985.
4. At that time you entered without inspection by an Immigration Officer.
5. You are not lawfully admitted for permanent residence.
6. You were, on or about 1 June 2000, convicted in the Superior Court of California, County of Salinas for the offense of unlawful sexual intercourse with a minor, in violation of Section 261.5(D) of the California State Penal Code for which the term of imprisonment imposed was 4 years.

### Charge:

You are deportable under section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. 1227(a)(2)(A)(iii), as amended, because you have been convicted of an aggravated felony as defined in section 101(a)(43)(A) of the Act, murder, rape, or sexual abuse of a minor.

Based upon section 238(b) of the Act, 8 USC 1228(b), the Department is serving upon you this NOTICE OF INTENT TO ISSUE A FINAL ADMINISTRATIVE REMOVAL ORDER ("Notice of Intent") without a hearing before an Immigration Judge.

### Your Rights and Responsibilities

You may be represented (at no expense to the United States government) by counsel, authorized to practice in this proceeding. If you wish legal advice and cannot afford it, you may contact legal counsel from the list of available free legal services provided to you.

You must respond to the above charges in writing to the Department address provided on the other side of this form within 10 calendar days of service of this notice (or 13 calendar days if service is by mail). The Department must receive your response within that time period.

In your response you may: request, for good cause, an extension of time; rebut the charges stated above (with supporting evidence; request an opportunity to review the government's evidence; admit deportability; designate the country to which you choose to be removed in the event that a final order of removal is issued (which designation the Department will honor only to the extent permitted under section 241 of the Act, 8 U.S.C. 1231); and/or, if you fear persecution in any specific country or countries, you may request withholding of removal under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), or withholding/deferral of removal of removal under the Convention Against Torture and Other Cruel and Inhuman, or Degrading Treatment or Punishment (Convention Against Torture). A grant of withholding or deferral of removal would prohibit your return to a country or countries where you would be persecuted or tortured, but would not prevent your removal to a safe third country.

You have the right to remain in the United States for 14 calendar days so that you may file a petition for review of this order to the appropriate U.S. Circuit Court of Appeals as provided for in section 242 of the Act, 8 U.S.C. 1252. You may waive your right to remain in the United States for this 14-day period. If you do not file a petition for review within this 14-day period, you will still be allowed to file a petition from outside the United States so long as that petition is filed with the appropriate U.S. Circuit Court of Appeals within 30 calendar days of the date of your final order of removal.

  
Supervisory Deportation Officer  
(Signature and Title of Issuing Officer)

Eloy, AZ  
(City and State of Issuance)

7/21/07 12:30  
(Date and Time)

Form I-851 (Rev. 10/03) N

## CERTIFICATE OF SERVICE

I Served this Notice of Intent. I have determined that the person served with this document is the individual named on the other side of the form.

Terrence C. Hawkinson  
(Signature and Title of Officer)

10/04/04 per. N. L.  
(Date and Manner of Service)

☒ I explained and/or served this Notice of Intent to the alien in the English / Spanish language.

Terrence C. Hawkinson, Deportation Officer  
(Name of Interpreter)

\_\_\_\_\_  
(Signature of Interpreter)

Location/ Employer: US ICE, Eloy, Arizona

I Acknowledge that I have received this Notice of Intent to Issue a Final Administrative Removal Order.

Miguel Cerverantes  
(Signature of Respondent)

10/04/04 1235  
(Date and Time)

☐ The alien refused to acknowledge receipt of this document.

\_\_\_\_\_  
(Signature and Title of Officer)

\_\_\_\_\_  
(Date and Time)

☐ I wish to Contest and/or Request Withholding of Removal

☐ I contest my deportability because: (Attach any supporting documentation)

☐ I am a citizen or national of the United States.

☐ I am a lawful permanent resident of the United States.

☐ I was not convicted of the criminal offense described in allegation number 6 above.

☐ I am attaching documents in support of my rebuttal and request for further review.

☐ I request withholding or deferral of removal to: \_\_\_\_\_

☐ Under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), because I fear persecution on account of my race, religion, nationality, membership in a particular social group, or political opinion in that country or those countries.

☐ Under the Convention Against Torture, because I fear torture in that country or those countries.

\_\_\_\_\_  
(Signature of Respondent)

\_\_\_\_\_  
(Printed Name of Respondent)

\_\_\_\_\_  
(Date and Time)

☒ I Do Not Wish to Contest and/or Request Withholding of Removal

☒ I admit the allegations and charge in this Notice of Intent. I admit that I am deportable and acknowledge that I am not eligible for any form of relief from removal. I waive my right to rebut and contest the above charges. I do not wish to request withholding or deferral of removal. I wish to be removed to:

☒ I understand that I have the right to remain in the United States for 14 calendar days in order to apply for judicial review. I do not wish this opportunity. I waive this right.

Miguel Cerverantes  
(Signature of Respondent)

CERVANTES, Miguel Santiago  
(Printed Name of Respondent)

10/04/04 1240  
(Date and Time)

Terrence C. Hawkinson  
(Signature of Witness)

Terrence C. Hawkinson  
(Printed Name of Witness)

10/04/04 1240  
(Date and Time)

RETURN THIS FORM TO:  
Department of Homeland Security  
US Immigration and Customs Enforcement  
Eloy Detention Center  
1705 E. Hanna Road  
Eloy, Arizona 85231

## ATTENTION:

The Department office at the above address must RECEIVE your response within 10 calendar days from the date of service of this Notice of Intent (13 calendar day if service is by mail).